19 [illegible]

File No. Lifts II/42

K

Legal DEPARTMENT

B BRANCH

Subject:—

Rules and Notifications

under the

Bombay Lifts Act, 1939.

P-S

File No. Lifts [illegible]/42

Std. Scott Silp 24-B

407/B

K.

C O N T E N T S

Legal Department ~~File~~ File No. Lifts/II/2

Sr. No.	Compilation No.	Subject	Pages
		Bombay Lifts Act, 1939	
1.	U.R. to P.W.D. No. 4843 dt. 12-6-42	Sec. 12- Notification under	1-4

MR 2/5

K.S.R. 2/5

Mr/30/4

Office of the R.L.A.

A revised draft preamble for publishing the notification provisionally is appended.

2. Rule 5 Under sec 6(1) of the Bombay Lifts Act 1939 (Bom X of 1939) an application by an owner of a place in which a lift had been installed before the date of the commencement of the Act was to have been made within 2 months from such date. Rule 5 was temporary. It had served its purpose and is no longer necessary. It has therefore been deleted and the subsequent rules renumbered.

3. Revised Rule 5:- The proposed amendment of the proviso may be recast as follows:-

"Provided that a license for the working of a lift which does not conform to any or all of the aforesaid requirements may be granted, if the Electrical Engineer to the Government of Bombay is satisfied that no accident resulting in any injury to a person is likely to occur in the operation of the lift. In such a case, a note of the requirements which have not been complied with, shall be made in the licence. Provided further that the Electrical Engineer to the Government of Bombay may at any time if he thinks it necessary for the safe workig of the lift, require the lift to conform to any or all of the said requirements."

4. Revised Rule 6 - In the first term the following may be substituted at the beginning for the word "The ""Save as provided in rule 5, every" proviso ~~deleted~~ deleted.

for the reasons given in paragraph 6 below, the following may be inserted as a new condition 2:-

"(2). The Licensee shall forthwith report to the Inspector of Lifts any defect in the working of the lift"; and existing conditions (2) and (3) renumbered (3) and (4)

5. Revised Rule 8 - It would not be legal to delete the words "resulting in injury to any person" from this rule until the same words are deleted from sub-section (1) of section 9. The words have therefore been restated.

Along with Rule 5, Form D will be deleted. The references to Forms E, F, and G in revised Rules 7 and 8 have been corrected.

6. Clause (11) in the Schedule - The proposed modification is not legal. It would not be possible while laying down the requirments subject to which any a lift may be worked, to provide that the firm shall maintain the lift and its installation in working order and report any defect to the owner. It would however be possible to make it a condition for the working of the lift that the owner shall enter into a Contract with such a firm not for the satisfactory maintenance of the lift but also for the report of any defect to the owner. And it is also possible to prescribed a rule by adding a term to Rule 6 providing that the owner shallforthwith report to the Inspector of Lifts any defect in the working of the lift.

It is not clear why the portion A-A in old clause (12) at page 61 ante has been omitted. P.W.D. should verify whether this portion should not be added to the first paragraph of clause (11).

7. Clause 12 (viii):- As the provision is to apply to all lift cases whether they have one or more entrances "the words have one or more entrances" have no purpose and so the paragraph has been suitably amended.

8. Clause 12(ix) provides, the intention is that the lighting provision of one fixed fitting and one bag socket is required for.

(i) one machine.

(ii) for every two machines where, there are two there are two machines or multiple of two, and

(iii) for every two and multiple of two and for any machine in excess of such number where the total number of machines is an odd number.

If so the following may be inserted for the words to each two or less machines for each multiple of two machines and for the odd machine if any."

9. Clause 22 (d):- "Contractor" and "breaking have been replaced by "contractor" and braking".

10. Clause 23(a):- The amendment of clause 25(a) on page 107 ante suggested by the Indian Merchants Chamber was agreed to by the Electrical Engineer to Government (vide p. 125 ante). However this does not appear to have been incorporated in Statement A. It is therefore, presumed that no change is considered necessary in this clause.

11. Form A:- The entry regarding number of persons and the entry regarding clearance at the bottom for over travel of the car have been revised to coform with the wording of section 4(4) & (6).

The entry regarding clearance at the top for over travel of the car will be ~~vacated~~ covered by section 4(10)

12. Form D has been omitted and Forms E, F and G have been relettered The whole schedule is higly technical, and a thorough scrutiny from the draftin point of view is therefore neither necessary, nor possible.

J.d.
Sd/-
P.M.N.
11/6

Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 4843 dated the 12th June 1942

Mr/30/4

NOTIFICATION

Public Works Department
Bombay Castle, 1942

No. 4524/36.- The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 12 of the Bombay Lifts Act, 1939, (Bom. X of 1939), is published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the da of 1942

Any objection or suggestion which may be received by the Secretary to Government Public Works Department, from any person with respect to the said draft on or before the aforesaid date will be considered by Government.

Draft Notification

No. - In exercise of the powers conferred by section 12 of the Bombay Lifts Act, 1939, (Bom. X of 1939), and in supersession of Government Notification in the Public Works Department, No 8225/27-VI dated the 6th April 1940, the Government of Bombay is pleased to make the following rules namely:-

(Enter 'A' to 'b' from pages 234-240 ante).

By order of the Governor of Bombay

Secretary to the Government

Mr/30/4